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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,926	11/24/2003	Gary D. Giegerich	9249-48U1	5229
570	7590	04/16/2004	EXAMINER	
AKIN GUMP STRAUSS HAUER & FELD L.L.P. ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103-7013			MENDOZA, ROBERT J	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 04/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/720,926

Applicant(s)

GIEGERICH, GARY D.

Examiner

Robert J Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Beall et al. (USPN 4,824,121).**

Beall, in FIGS. 1-5, col. 2:48-67, col. 3:1-67 and col. 5:1-15, discloses a touch pad scoring apparatus for a dart game including a dart board and at least one dart, the touch pad scoring apparatus comprising: a housing; an electronic controller within the housing; a touch pad supported by the housing and having: a plurality of segments, and a plurality of sensors adapted to detect the presence of pressure applied to any one of the plurality of segments and to generate a signal corresponding to the segment to which pressure has been applied, the plurality of sensors being operatively connected to the controller; an electronic game memory operatively connected to the controller; and an electronic display operatively connected to the controller; whereby: pressure applied to at least one touch pad segment corresponding to a dart board segment struck by a thrown dart causes a score associated with the struck dart board segment to be electronically tracked by the game memory, and the controller causes a signal corresponding to the score to be output to the electronic display. Beall, in FIGS. 1-5, col. 2:48-67, col. 3:1-67, col. 4:1-55 and col. 5:1-15, discloses the touch pad includes a graphical representation of the dart board and each of the touch pad segments corresponds directly to a segment of the dart board, the touch pad

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segments are in the form of a plurality of input keys, the game memory is capable of tracking scores of multiple players through multiple rounds of a game of darts, a plurality of electronic displays and a plurality of control buttons. Beall, in FIGS. 1-5, col. 2:48-67, col. 3:1-67, col. 4:1-55, col. 5:1-15, col. 6:1-25 and col. 7:1-55, discloses the user may select one of a plurality of dart game variations using one of the plurality of control buttons, and wherein the controller and game memory are capable of tracking scores of multiple players in accordance with the rules of the selected dart game variation, a sound generator operatively connected with the controller; a sound memory storing information corresponding to at least one sound recording, the sound memory operatively connected to the controller; wherein the controller causes the at least one sound recording to be audibilized upon occurrence of a triggering event. Beall, in FIGS. 1-5, col. 2:48-67, col. 3:1-67, col. 4:1-55, col. 5:1-15, col. 6:1-25 and col. 7:1-55, discloses the triggering event is initial activation of power to the touch pad scoring apparatus, a next turn control button, the next turn control button generating a signal to the controller indicating that a player's turn is complete, wherein the triggering event is activation of the next turn control button, at least one light, the at least one light is capable of emitting light of a plurality of different colors, each of the plurality of different colors corresponds to a different condition occurring in the course of the dart game and the at least one light is a light emitting diode.

### **Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg, can be reached at (703) 308-1327. The USPTO official fax number is (703) 872-9306.

RM

RM  
April 14, 2004

  
Teresa Walberg  
Supervisory Patent Examiner  
Group 3700